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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/501,245

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Andrzej Szajdecki

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EXAMINER

RAYYAN, SUSAN F

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,245

Applicant(s)

SZAJDECKI ET AL.

Examiner

Susan F. Rayyan

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07122004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-18 are canceled. Claims 19-38 are pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on July 12, 2004 was filed before First Action. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 19-20, 22,25,27,30 34,37 the phrase "and/or" renders the claim indefinite as it is unclear which combination of limitations are included.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 18-21, 23-30, 32-38 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Number 6,571,261 issued to Kuei-Yu Wang-Knop et al (“Wang-Knop”).

As per claims 19, 29, 37 Wang-Knop anticipates:

a system for storing data forming a single file recorded as an undivided file or recorded in fragments on a data area (see column 4, lines 50-54, Figure 3) and for controlling access to the data stored on the data area comprising a separate file (F, E) containing information related to the single file (49, 61) wherein the location of the separate file (F, E) recorded on the data area is not predefined (column 4, lines 34-39).

As per claims 20, 30, same as claim arguments above and Wang-Knop anticipates: wherein the separate file is a set of tables consisting of at least one table of records containing at least one record and/or a record of records table of extension of table and/or records table containing at least one record of single file fragments and records of tables of records of extension of table and/or a set of records of single file fragments, and the number of tables of further table extensions is not limited (column 4, lines 53-57).

As per claim 21, same as claim arguments above and Wang-Knop anticipates:
wherein the separate file is an allocation chain, which consists of at least one table of records and its/theirs tables of extension, and information about extension table of records table or its/theirs further tables of extension is stored in the record of table or the record of table extensions, whose extensions are its further extensions (column 4, lines 53-57).

As per claims 23,32, same as claim arguments above and Wang-Knop anticipates:
Wherein information characterizing the single file or its part is recorded in many separate files(column 5, lines 15-30).

As per claims 24,33, same as claim arguments above and Wang-Knop anticipates:
Wherein information characterizing a single file stored in fragments is recorded in a separate file consisting of at least one record stored in any place (column 5, lines15-18).

As per claim 25,34, same as claim arguments above and Wang-Knop anticipates:
wherein a record forming a part of the separate file consists of records with information describing fragments of a single file and/or at least one record containing information of at least its one own extension(column 4, line 50 to column 5, line 1).

As per claims 26,35, same as claim arguments above and Wang-Knop anticipates:
wherein a record and/or a record extension, forming a part of the separate file, consists of records with information characterizing fragments of the single file and/or at least one

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record with information about its further extensions(column 4, line 50 to column5, line 1).

As per claim 27,36, same as claim arguments above and Wang-Knop anticipates: separate file with information describing the single file and consisting of at least one record contains at least information about a number of logically separated smallest areas reserved in one continuous block of logically separated smallest areas and about the address of the first logically separated smallest area at a continuous block of logically separated smallest areas wherein the information is binary compressed and contains values with a sign, and wherein a negative value representing the amount of logically separated smallest areas means that a record has its own extension with a numerically expressed quantity of logically separated smallest areas, and wherein the information about its termination and/or about the number of free bytes and the time of modification is given at the end of the separate file (column 4, lines 34-43.50-58 and column 5, lines 1-4).

As per claim 28, same as claim arguments above and Wang-Knop anticipates:

Wherein information consisting of records and describing fragments of the single file is grouped, and information about it is stored in the separate file consisting of at least one record (column 4, lines 53-57).

As per Claim 38, Wang-Knop anticipates:

storing data as an undivided file or in fragments on a data area(column 4, lines 50-54, Figure 4);

forming a table set containing information related to the data stored as the undivided file

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or in the fragments and consisting of at least one record table containing at least one record and storing the table set on the data area in a not predefined location (column 4, lines 34-39);

forming table extensions containing information related to the data stored as the undivided file or in the fragments and consisting of at least one record table containing at least one record and storing the table extensions on the data area wherein a number of tables of further table extensions is not limited (column 4, lines 35-43, 50-58) and wherein the table set contains at least information about a number of logically separated smallest areas forming one continuous block of logically separated smallest areas and about an address of a first logically separated smallest area of the continuous block of logically separated smallest areas, and wherein the information is binary compressed and contains values with a sign, and wherein a negative value representing the number of logically separated smallest areas means that a record has its own extension with a numerically expressed quantity of logically separated smallest areas (column 4, lines 36-40 and column 5, lines 1-4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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As per claims 22,31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 6,571,261 issued to Kuei-Yu Wang-Knop et al (“Wang-Knop”) in view of US Patent Number 6,208,999 issued to Michael L. Spilo et al (“Spilo”).

As per claim 22 same as claim arguments above and Wang-Knop does not explicitly organized into a branched tree, called a binary tree, which at ends of branches carries information about the termination of branches, and at its own end has information of its own termination.

Spilo does teach as a branched tree, called a binary tree ... to expediate file location (column 7, line 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wang-Knop with a branched tree, called a binary tree ... to expediate file location (column 7, line 11).

As per claim 31 same as claim arguments above and Wang-Knop teaches:
wherein the separate file is an allocation chain created by tables at col.4, lines 53-57.

Wang-Knop does not explicitly teach formed as a branched tree, called a binary tree ... Spilo does teach as a branched tree, called a binary tree ... to expediate file location (column 7, line 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wang-Knop with a branched tree, called a binary tree ... to expediate file location (column 7, line 11).

Contact Information

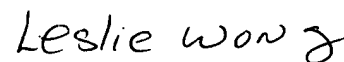
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-1675. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan Rayyan

June 2, 2006


Primary Examiner